

REMARKS

The above amendments and these remarks are responsive to the Office Action mailed September 18. With entry of this amendment, claims 9-25 are pending. New claim 25 has been added in this amendment. In the Office action, 1) claim 21 is objected to because of informalities; 2) claim 17 is rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention; 3) claims 15-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. (Pub. No.: US 2003/0131820 A1) in view of Grizzle et al (US 6,244,242).

Applicants thank the Examiner for carefully considering the subject application.

Regarding the objection to claim 21 as being a duplicate of claim 15, Applicants have amended claim 21 so as not to duplicate claims 15 and will be discussed in further detail below.

Rejections under 35 U.S.C. 112

Applicants have amended claim 17 to correct the antecedent bases as suggested by the Examiner. Accordingly, Applicants respectfully request the rejection of the claim be withdrawn for at least this reason.

Rejections under 35 U.S.C. 103

The Office action asserts that claims 15-17 and 21 are obvious in light of the combination of Grizzle and McKay. While Applicants disagree with this rejection, claim 15 has nevertheless been amended to include additional limitations similar to those of allowed claim 9. Specifically, claim 15 has been amended to recite, "transitioning to combusting a lean air-fuel mixture in said first group of cylinders" Applicants could find no disclose in either reference the includes the element as claimed. Accordingly, Applicants respectfully request the rejection of claim 15 be

withdrawn for at least this reason. Claims 16 and 17 depend directly or indirectly from claim 15.

Thus, Applicants respectfully request the rejection of these claims for at least the same reason.

Furthermore, regarding amended claim 21, Applicants respectfully submit that the combination of Grizzle and McKay, even assuming it is proper, fails to show adjustment of variable valve operation of the first group of cylinders differently from variable valve operation of the second group of cylinders. Accordingly, Applicants respectfully request the rejection of claim 21 be withdrawn for at least this reason.

The above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.

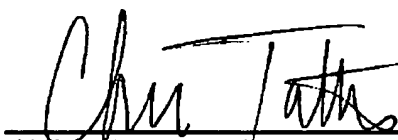
CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office via facsimile at (571) 273-8300 on December 18, 2006.



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